

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PATTY BEALL, Individually and on Behalf §  
of All Others Similarly Situated §  
§  
V. § CIVIL NO. 2:08-CV-422(TJW)  
§  
TYLER TECHNOLOGIES, INC., ET AL. §

**DOCKET CONTROL ORDER**

In accordance with the case scheduling conference held herein on the 30<sup>th</sup> day of November, 2009, hereby

**ORDERED** that the following schedule of deadlines is in effect until further order of this court:

**Monday,  
April 4, 2011** Jury Selection - 9:00 a.m. in **Marshall, Texas**

**March 23, 2011** Pretrial Conference - 1:30 p.m. in **Marshall, Texas**

**March 18, 2011** Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

**March 18, 2011** **Motions in Limine due**  
The parties are ordered to **meet and confer** on their respective motions *in limine* and **advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).

**March 4, 2011** **Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.** If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at [lssimmons@yahoo.com](mailto:lssimmons@yahoo.com).

<b>March 4, 2011</b>	Pretrial Disclosures due
<b>March 18, 2011</b>	Pretrial Objections due
<b>February 15, 2011</b>	Jury Questionnaire Due
<b>January 28, 2011</b>	Discovery Deadline
<b>January 28, 2011</b>	Mediation to be completed
<b>January 19, 2011</b>	Response to Dispositive Motions (including <i>Daubert</i> Motions). <sup>1</sup> Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
<b>January 14, 2011</b>	Plaintiffs and Defendants to Identify Trial Witnesses, with the exception of rebuttal witnesses.
<b>January 5, 2011</b>	For Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
<b>December 2, 2010</b>	Defendant to Answer Amended Pleadings

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<sup>1</sup>

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

<b>November 18, 2010</b>	Amend Pleadings <b>(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after November 18, 2010).</b>
<b>September 24, 2010</b>	Deadline for Defendants to file Motion to Decertify the class.
<b>September 24, 2010</b>	Challenge to Experts on certification issue.
<b>September 10, 2010</b>	Defendant to Designate Expert Witnesses on certification issue and for trial. Expert witness report due Refer to Local Rules for required information.
<b>August 20, 2010</b>	Plaintiff to Designate Expert Witnesses on certification issue and for trial. Expert witness report due Refer to Local Rules for required information.
<b>March 8, 2010</b>	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
<b>February 15, 2010</b>	Parties' Initial Disclosure of Documents.
<b>February 1, 2010</b>	Parties' Initial Disclosure of Information.

IT IS FURTHER ORDERED that the parties shall submit the name, address, telephone number and fax number of an agreed mediator to the Court within thirty (30) days from the date of the Scheduling Conference. If the parties are unable to agree, the Court will appoint a mediator in the above referenced case.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
  - (c) the failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 8th day of December, 2009.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE